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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,407	12/17/2001	Michael Wayne Brown	AUS920010839US1	3580

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,407

Applicant(s)

BROWN ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 47-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 47-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-36 and 47-52 in Paper No. 5, dated 10/17/03 is acknowledged. Applicant's have canceled claims 37-46.

Claim Objections

2. Claim 46 is objected to because of the following informalities: Applicant's have elected claims 1-36 and 47-52. However, independent claim 46 remains. Applicant's amendment to claims should read "46. (canceled)". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7, 9-14, 16, 18-23, 25, 27-29, 31-32, 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Swope et al (6,639,977 hereinafter Swope).

Regarding claims 1, 10, 19, 28, 31, and 34. Swope teaches a method for billing for telephone services (see column 1 wherein called party given flexibility to direct charges of collect call services to another account), comprising:

receiving, from the calling device, a destination line number for processing a call (see col. 3 lines 5-6 wherein calling party calls a destination number);

loading a profile for a line subscriber of the destination line number, wherein the profile comprises a line subscriber billing plan for the destination line number (see col. 3 lines 6-10 wherein upon approval of the called party, reverse billing of the telephone call from an account owned by the called party other than the account associated with the destination number, see col. 4 lines 38-48 wherein the profile for the called subscriber is check to determine type of billing allowed. For example, if the dialed number is not in database, the call is completed using normal billing methods (i.e. direct billing, credit card, calling card, collect charging, an operator, or coins). If the dialed number is valid, database is queried to see if calls are permitted to the destination number. For example col. 5 lines 9-10 teach, Line Information Database (LIDB) is queried to determine profile for the dialed number (i.e. collect calling denied to this line number); and

responsive to detecting an answer to the call at a destination device accessible via the destination line number, authenticating an identity of a callee (i.e. called party) receiving the call (see col. 3 lines 6-10 wherein called party gives approval, col. 5 lines 19-31 wherein a brief announcement played to called party for Customer Identification and Verification (CIV), col. 5 lines 36-37 reveal that speech verification may also be used for prompting and collecting information relating to collect call, col. 7 lines 27-33 discloses called party prompted for CIV, col. 8 lines 6-7 disclose using voice recognition of called party);

replacing the line subscriber billing plan with a callee (i.e. called party) billing plan associated with the authenticated identity of the callee (i.e. called party), such that the called party receiving the call is billed for services requested by the called party for the

Art Unit: 2643

call (see col. 3 lines 5-15 wherein called party approves billing of telephone call to an account owned by the called party to an account not associated with the destination line number).

Swope discloses that telephone service billed to the callee (i.e. called party) is accessible at a plurality of destination devices (see col. 1 lines 52-55).

Regarding claims 2, 11, and 20. Swope teaches using voice recognition of called party (see col. 8 lines 6-7).

Regarding claims 3, 5, 12, 14, 21, and 23. Swope teaches telephone device equipped with telephone swiper (reader), a bar code scanner, an automated biometric reading device or the like reading on initiating authentication from the telephone device located at subscriber's premises equipment (col. 5 lines 38-53). Swope further discloses the invention may be applied to any consuming group (col. 6 lines 34-36) having premises based telecommunications system or a telecommunications provider may provide the service to customers allowing the called party to maintain ownership and control of the charged account.

Regarding claims 4, 13, and 22. Swope teaches the identity of the called party at intermediary device (see 10 figure 1).

Regarding claims 7, 16, and 25. Swope teaches controlling at least one particular service (see collect call service controlled by called party col. 1 lines 57-62).

Regarding claims 9, 18, and 27. Swope teaches billing the callee (see col. 3 lines 6-10 wherein called party gives approval) for an order (see col. 3 lines 6-10

wherein called party approves the order (i.e. collect call) may be billed to another account associated with called party).

Regarding claims 29, 32, and 35. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2643

4. Claims 6, 15, 24, 30, 33, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Reto et al (5,825,857 hereinafter Reto).

Regarding claims 6, 15, 24, 30, 33, and 36. Swope does not explicitly show service provider within an intermediary device.

Reto teaches a method and system for validation hubbing wherein authorization request is sent to the hubbing system (abstract, 400 figure 4). Reto teaches a validation hubbing system that provides centralized protocol translation for all validation messages sent between any two networks and transport links between the network and the hubbing system (col. 3 lines 12-29).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Swope to use validation hub as taught by Reto providing for a centralized translation hub that allows any two connected networks validate messages with each other regardless of the protocols each uses as taught by Reto (col. 3 line 20).

5. Claims 8, 17, 26, 47-48, 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Kamil (4,706,275)

Regarding claims 8, 17, 26, and 47-48. Swope does not show routing call to service provider associated with the destination number.

Kamil teaches using a special exchange owned by service provider, see column 3 wherein a party wishes to make a telephone call, he uses the nearest available phone, removes the handset and dials a special exchange (i.e. traveler phone service exchange). After dialing the special exchange the caller is prompt for identifying code and the called number he wants to call. Once caller validated the special exchange decrements the subscriber's balance as the telephone progresses. In other words, Kamil provides special exchange enabling for prepayment for telephony calls which can be made from any telephone or from dedicated public telephone (col. 6 lines 6-8).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope to use a special exchange as taught by Kamil for the benefit of having the service provider own and control the special exchange thereby allowing any telephone to be used when making the call.

Regarding claim 51. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

Regarding claim 52. Swope does not show service provider used for billing.

Kamil teaches using a special exchange owned by service provider, see column 3 wherein a party wishes to make a telephone call, he uses the nearest available phone, removes the handset and dials a special exchange (i.e. traveler phone service exchange). After dialing the special exchange the caller is prompt for identifying code and the called number he wants to call. Once caller validated the special exchange

Art Unit: 2643

decrements the subscriber's balance as the telephone progresses. In other words, Kamil provides special exchange enabling for prepayment for telephony calls which can be made from any telephone or from dedicated public telephone (col. 6 lines 6-8).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope to use a special exchange as taught by Kamil for the benefit of having the service provider own and control the special exchange thereby allowing any telephone to be used when making the call.

6. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Kamil (4,706,275) further in view of O'Neil (6,226,364).

Regarding claim 49. Swope in view of Kamil fails to show request for a fund transfer.

O'Neil teaches method and system for providing prepaid and credit-limited telephone services wherein an announcement is played to the originating station or to the terminating station indicating that the credit limit has been exceeded (col. 5 lines 52-62, col. 15 lines 27-37). In response, an alternate payment source, such as credit or debit bank account, may be received for continuing the communication, and the cost associated with continuing the communication may be charged to the alternate payment source.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Kamil to use

Art Unit: 2643

announcement as taught by O'Neil for the benefit of prompting the originating and terminating device for an alternate payment source so that communication may continue.

7. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Kamil (4,706,275) further in view of Block (5,960,416).

Regarding claim 50. Swope in view of Kamil fails to show purchasing.

Block allows subscribers the ability to pay for other products or services purchased or billed through his or her account (col. 3 lines 24-26, col. 32 line 32 – col. 33 line 52).


It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope in view of Kamil to incorporate the real time subscriber billing system as taught by Block for the benefit of allowing subscribers to pay for purchases which are ordered by phone.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Art Unit: 2643

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


JAMES M. H. / Z
SUPERVISOR / EXAMINER
TECHNOLOGY CENTER 2600